

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Rejection of Claims 1-5, 7-16, 18-22 and 27-35 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-5, 7-16, 18-22 and 27-35 under 35 U.S.C. §103(a) as being unpatentable over Lee et al. (U.S. Patent No. 5,748,789) ("Lee et al.") in view of Linzer et al. (U.S. Patent No. 6,094,457) ("Linzer et al."). Applicants respectfully traverse this rejection and submit that the combination of references fails to teach each limitation of the claims and furthermore, there are fundamental problems with the Section 103 analysis that combines Lee et al. with Linzer et al. which shall be discussed first. Applicants note that, with regards to claim 1, this claim recites a method comprising assigning a pre-defined model to each of at least two video content portions of video content and requires wherein each of the at least two video content portions comprises a temporal, multi-framed segment of the video content. Applicants shall show how the analysis in the Office Action relies on a first definition of "portions" when referring to Lee et al. and then modifies that definition of "portions" in the analysis of Linzer et al. such that the blending of these definitions would violate the principles set forth in MPEP 2143.01, Sections V and VI. In other words, it's almost as though the Examiner has relied on the definition of X equaling 1 and then when incorporating the teachings of Linzer et al. redefines X to equal 2 and says it would be obvious for X to equal 2 in Lee et al. when in fact the references teaches that X equals 1.

With regards to the teachings of Lee et al., the Office Action cites Figure 27A and the various portions (972, 974, 976 and so forth) of the image of the man while also discussing the frame 1538 of Figure 35 with it's various portions 1542, 1544B, 1540 and so forth. In other words, it is clear that in each of these cases, the Office Action relies on the "portion" of video

content being a portion of an object (the man in Figure 27A) or a portion of a frame as it is shown in Figure 35. This, of course, runs counter to the definition of “portion” in claim 1 in which the at least two video content portions comprise a temporal, multi-frame segment of the video content. Applicants define portions differently from the way the Examiner uses the term “portions” when interpreting Lee et al. Thus, in the entire analysis of utilizing column 42, Figures 27A and Figures 35 on pages 2-4 of the Office Action, the Examiner must rely on a different different definition of the term “portion” that is used in claim 1. This alone renders most of that analysis essentially irrelevant in terms of whether Lee et al. actually teaches the steps of assigning, routing and so forth of the content portions of the video content as is defined in claim 1. The Office Action then concedes that Lee et al. does not disclose wherein each of the at least two portions comprise a temporal, multi-frame segment of the video content. It is of course clear that Lee et al. fails to teach manipulating and processing portions as they are defined in claim 1.

The Office Action then asserts that Linzer et al. teach that each of the at least two video content portions comprise a temporal, multi-frame segment citing Figure 3 of that reference and elements 32-1 to 32-N are a plurality of MPEG encoders and asserts that each of the MPEG encoders compress a temporal, multi-frame segment of the available video content known as an MPEG group of frames. Applicants note that the analysis on page 4 of the Office Action is quite sparse and only referencing Figure 3 and two lines in column 6, which state that the encoders 32-i may be configured to operate in accordance with the MPEG-2 standard and that each encoder 32-i produces a compressed video bitstream. Thus, Applicants respectfully submit that the only real teaching drawn from Linzer et al. is the generalized concept that the encoders of Figure 3 encode multiple frames of data, as would any encoder. Without any further analysis, the Office Action on page 4 jumps to the conclusion that it would have been obvious of one of ordinary

skill in the art to combine the teachings of Linzer et al. into the system of Lee et al. for permitting accurately, efficiently encoding multiple video streaming image data while maintaining a high image quality. Applicants respectfully traverse this analysis as incomplete and insufficient to establish a *prima facie* case of obviousness. One of the fundamental problems with this approach is that the Examiner cannot define a “portion” as objects within a frame or sub-portions of an object that is within the frame and then assert that each of the particular steps of claim 1 involve processing such defined portion and then cite a generalized encoder from Linzer et al. and then entirely redefine the definition of “portion” to include a temporal, multi-frame segment of video content.

As is required in MPEP 2143.01, section 5 states that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modifications. In other words, by redefining the “portions” of Lee et al. in the manner that they are defined in Linzer et al. would entirely destroy the object-based processing of Lee et al. In other words, if the particular portions of the Frame 1538 of Figure 35 of Lee et al. were to be modified wherein only a multi-frame segment of video content could be processed, then this would certainly require a modification of the teachings of Lee et al. so that they would be unsatisfactory for their intended purpose (i.e., processing objects within a single frame).

Furthermore, section VI of this portion of the MPEP further states that if the proposed modification or combination of prior art would change the principle of operation in the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. This is clearly the case in the present analysis by the Examiner. Furthermore, this portion of the MPEP also states that the court reversed a rejection of the claims in that case and held that the “suggested combination of references would require a substantial

reconstruction and redesign of the elements shown in the [primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate”, then the rejection cannot stand. This is exactly the state of the present case wherein the Examiner simply relies on one definition of “portion” that is taught in Lee et al. as covering a portion of an object which portion is defined as a sub-part of a frame of video content. The Examiner cannot utilize this particular definition and then entirely change that definition via the use of a secondary reference. Applicants note that normally when a secondary reference is cited it is to add a feature that is not taught in the primary reference. Contrary to a more standard section 103 analysis involving multiple references, this Applicant is now faced with an unusual analysis in which an entirely different definition of the word “portion” is being used in two different references and the Examiner is actually asserting that these references should be combined in some way. This is simply an unworkable combination and is an attempt to blend together two competing definitions of the same word using two different references rather than a blending of a Feature A from one reference and a Feature B from another reference to arrive at each limitation of the claims.

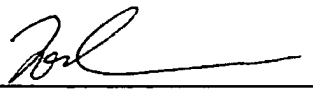
Thus, because Applicants submit that this is an unusual and unworkable frame work under which these references have been combined, that Applicants submit that a *prima facie* case of obviousness cannot be sustained and that blending these references would violate several of the principles set forth in MPEP 2143.01 and because they would require a reconstruction and redesign which is expressly part of the analysis of the Examiner, Applicants submit that claim 1 is patentable and in condition for allowance. Applicants also submit that claims 2-5 and 7-8, which are each dependent from claim 1, are also patentable and in condition for allowance. Applicants note that for the same reasons set forth above, that claim 8 and dependent claims 10-12 are patentable and in condition for allowance. Claim 13 is also patentable inasmuch as it

recites wherein each of the at least two video portions comprises a temporal, multi-frame segment of the video content and wherein the analysis is essentially the same in the Office Action with regards to the rejection of claim 1. Therefore, Applicants submit that claims 13 and 14 are patentable and in condition for allowance. Claim 15 recites wherein each of the at least two video portions comprise a temporal, multi-frame segment of the video content. It appears that the analysis in rejecting this claim is essentially the same as the analysis set forth above, because the analysis is unworkable and unsustainable, Applicants submit that claim 15 and dependent claim 16 are patentable and in condition for allowance. Claim 18 is patentable for the same reason set forth above as well as its dependent claims 19-20. Similarly, claim 21 recites a method of encoding a bitstream wherein each of the two video segments comprises a temporal, multi-frame segment of the video content. Claim 21 is therefore allowable for the same reasons set forth above relative to claim 1 as well as its dependent claim 22. Claims 27-35 each depend from an allowable claim as set forth above. Accordingly, Applicants respectfully submit that the present Application is patentable and in condition for allowance.

CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

By: 

Date: February 1, 2008

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